



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,451	05/02/2005	Joachim Johansson	NET-6148	4136
25962 7590 06/03/2009 SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793				
EXAMINER				
ABELSON, RONALD B				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
06/03/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/533,451

**Applicant(s)**

JOHANSSON ET AL.

**Examiner**

RONALD ABELSON

**Art Unit**

2419

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19, 20, 23-26, 28-30 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19, 20, 23-26, 28-30 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. Figures 2-5 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19, 20, 23-26, 28-30 and 33-37 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding independent claims 19, 29, and 37, the specification does not teach the limitation "the reserved network resources being static after the allocating in advance and dynamically allocating network resources individually if additional resources are needed in addition to the reserved network resources".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 19-20, 23-26, 28-30, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nag et al (U.S. Patent No. 7013338) and further in view of Fuhrmann (US 5,991,308) and Patel (U.S Patent No. 6850764).

Referring to claim 19, and corresponding claims 29 and 37, Nag et al teach method for allocating network resources within an IP network comprising the step of allocating at a first resource manager (Column 6 Line 43-60) reserved network resources controlled by at least a second resource manager (Column 6 Line 43-60) in advance before a session, that will use said resources, has started based on usage history statistics if available usage history statistics is applicable to said network resource reservation request (pre-allocated reservation). These concepts are described in Column 3 Line 58-67, Column 4 Line 1-30, Column 5 Line 49-56, Column 6 Line 43- 60, Column 9 Line 9-32, and Column 10 Line 19-27.

The step of allocating network resources individually (an application session) for said requested network resource reservation if applicable usage history statistics is not available is further taught by Nag et al using media aggregation manager (Column 10 Line 28-63).

Nag et al further teach wherein said individually allocated network resources is allocated per reservation occasion (Column 10 Line 50-63).

Nag et al also teach wherein said allocated reserved network resources is allocated based on usage history statistics per destination (Column 3 Line 58-67, Column 4 line 1-30).

Although Nag et al teaches reserved network resources, the reference is silent on the reserved network resources being static after the allocating in advance and dynamically allocating network resources individually if additional resources are needed in addition to the reserved network resources.

Fuhrmann teaches the reserved network resources being static after the allocating in advance (minimum sustained bandwidth required, col. 127 lines 22-33) and dynamically allocating network resources individually if additional resources are needed in addition to the reserved network resources (dynamic bandwidth allocation, burst, col. 127 lines 22-33).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Nag by reserved network resources, the reference is silent on the reserved network resources being static after the allocating in advance and dynamically allocating network resources individually if additional resources are needed in addition to the reserved network resources, as shown by Fuhrmann. This modification would benefit the system by providing for a minimum required bandwidth for each connection and also allowing for dynamic allocation of

resources during bursts.

The combination does not specifically teach updating said usage history statistics based upon said individually allocated network resources. This is taught by Patel (Column 8, Line 6-18).

At the time of invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Patel with the teachings of the combination. The motivation would be to keep updating the usage history statistics for the new requests which would be available for pre-allocation of resources next time. That would allow more efficient process of allocating resources (Column 1 Line 34-56).

Referring to claim 20 and corresponding device claim 30, Nag et al further teach wherein the method comprises the further step of manual adjusting usage history statistics (Column 4 Line 3-7).

Referring to claim 23 and corresponding device claim 33, Nag et al further teach a method wherein the time interval between each occasion, which network resources are allocated based on usage history statistics, may either be equal for all

destinations or differ between the destinations (Column 3 Line 58-67, Column 4 Line 1-3 would include variety of conditions).

Referring to claim 24 and corresponding device claim 34, Nag et al further teach a method wherein said allocation of reserved network resources is further based on statistics for individual services (Column 3 Line 58-67, Column 4 Line 1-30). Referring to claim 25 and corresponding device claim 35, Nag et al further teach a method wherein the usage history statistics comprises any of the parameters a peak value, an average value or a variance (Column 1 Line 60-64).

Referring to claim 26 and corresponding device claim 36, Nag et al further teach a method wherein said first and/or second resource manager is implemented within a server or a router in said IP network (Column 2 Line 45-57).

Referring to claim 28, Nag et al further teach a computer program product stored on a computer usable medium, comprising readable program for causing a processing means within a server and/or router within an IP network to control the execution of the steps of claim 19 (Column 2 Line 45-57).



***Response to Arguments***

6. Applicant's arguments with respect to the amended independent claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONALD ABELSON whose telephone number is (571)272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Abelson  
Primary Examiner

Application/Control Number: 10/533,451

Page 10

Art Unit: 2419

Art Unit 2419

\*\*\*

/Ronald Abelson/

Primary Examiner, Art Unit 2419